IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.3412 OF 2006
IN
INCOME TAX APPEAL LODGING NO.1962 OF 2006

The Commissioner of Income Tax-14. ..Petitioner.
Vs.
Shri. D.P.Mansingka. ..Respondent.

Mr.S.V.Wasnik for the Petitioner.
Ms. Aasifa Khan for the Respondent.

CORAM : F.I.REBELLO & R.S.MOHITE, JJ.
DATED : 3RD DECEMBER,2007.

PC :

1. This is a Notice of Motion for condoning 1330 days delay in filing the Income Tax Appeal. A perusal of the affidavit in support of the Notice of Motion, it is evident that the Judicial Section of Income Tax Department vide their letter dated 18.2.2003 had sent the file to the Law Ministry for appointment of a Counsel on behalf of the department for filing Income Tax appeal. It is then vaguely stated that due to some difficulties between the panel counsel and the Income Tax Department, the then panel counsel refused to accept the briefs of the Income Tax Department. It is further contended that in this view of the matter, there was no counsel for drafting the appeal and the new counsel was appointed only in the month of October,2005. It cannot be believed that from 18.2.2003 till 1.12.2005, no advocate was available to the Income Tax Department for preparing the appeal memo. The cause shown is therefore, not sufficient cause and hence, this Notice of Motion is dismissed.

(R.S. MOHITE, J.) **(F.I.REBELLO, J.)**

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INCOME TAX APPEAL LODG. NO.1962 OF 2006

The Commissioner of Income Tax-14. ..Appellant.

Vs.

Shri. D.P.Mansingka. ..Respondent.

Mr.S.V.Wasnik for the Appellant.
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PC :

1. As the Notice of Motion for condonation of delay has been dismissed, appeal also stands dismissed. Refund of Court fee as per rules. Certified copy expedited.

(R.S. MOHITE, J.) **(F.I.REBELLO, J.)**